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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,343	11/20/2003	Takayasu Saito	JCLA12124	3316
23900	7590	02/24/2005	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			WHITE, DWAYNE J	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,343

Applicant(s)

SAITO ET AL.

Examiner

Dwayne J White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

On page 7, line 19, “engaging portion 12A” should be --engaging portion 2A--.

On page 7, line 26, “engaging portion 12A” should be --engaging portion 2A--.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: On line 4, “thicken” should be --thickened--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 3 recites the limitation of a “Young modulus equal to or larger than 6000.” Neither claim 3 nor the Specification recite what unit of measure is being used and thus it cannot be established the metes and bounds of the number 6000 in regards to the Young’s modulus. Determination of the unit of measure in the Specification and claim is required.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

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invention. Specifically, the term “pitch” used in the claim on line 4 is unclear. The definition the Examiner believes Applicant is using is the distance between two corresponding points on adjacent gear teeth. However, the claim language of claim 1 does not establish a shape for the first aluminum member that would support a “predetermined pitch.” At least the first aluminum member must be further defined to provide antecedent basis for a “predetermined pitch”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makino et al. (6,517,328) in view of Ueno et al. (6,440,583). Makino et al. discloses a compressor, for receiving at least one compression element in a seal container, the container 1 comprising a container body and a cover member both being made of aluminum (column 3, lines 45-53). Makino et al. does not disclose the cover member being electrically welded to the container body, the Young's modulus of the aluminum material being equal to or greater than 6000, or the silicon content of the aluminum.

Ueno et al. teach an aluminum alloy having a silicon content of 1.5% to 5% to increase the alloy material's mechanical strength and that the aluminum alloy can be arc welded to another aluminum component. Since both Makino et al. and Ueno et al. both teach aluminum members and it is well known that welding can be used to join two metal components together, it

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would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the aluminum housing components of Makino et al., with the teaches of Ueno et al., by using an aluminum alloy having a silicon content within the range of 0.1% to 12% and electrically welding the components for the purpose of bonding the cover member to the container body.

Further, since no unit of measure is established and it is known that generally the Young's modulus of Aluminum alloys is around 10.4Mpsi (71.7Gpa), both values of which is greater than 6000, it appears that the aluminum alloy of Ueno et al. has a Young's modulus greater than 6000. (See Appendix C, page 994; *Machine Design, An Integrated Approach*; Robert L Norton; 1998).

CONCLUSION

Allowable Subject Matter

Claim 2 is allowed.

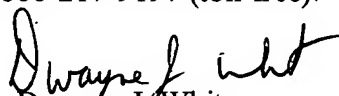
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dwayne J. White
Patent Examiner
Art Unit 3745

DJW


EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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2/22/05